

STATE OF MAINE
WASHINGTON, ss.

SUPERIOR COURT
LOCATION: MACHIAS
Docket No: CV-2018-18

U.S. Bank Trust, N.A., as Trustee for LSF11
Master Participation Trust

Plaintiff

vs.

Premium Capital Funding LLC DBA Topdot
Mortgage

Defendant

Mortgage Electronic Registration Systems,
Inc. as nominee for Premium Capital
Funding, LLC,
Bank of America, N.A., successor by merger
to BAC Home Loans Servicing, LP f/k/a
Countrywide Home Loans Servicing LP,
Yau Hung Chan,
FIA Card Services, N.A.,

Parties-In-Interest

CONSENT ORDER

TITLE TO REAL ESTATE IS INVOLVED

MORTGAGED PREMISES:
864 Main Street
Calais, ME 04619
Mortgage:
February 7, 2006
Book 3117, Page 272

This matter is before the Court on Plaintiff's Motion for Default Judgment and Judgment on the Pleadings. The Court specifically finds that there is justifiable controversy and that declaratory relief is appropriate to remove the uncertainty in the chain of title to the mortgage, as raised by the *Greenleaf* decision, regarding assignments of mortgages for nominees. *Bank of America, N.A. v. Greenleaf*, 2014 ME 9 (Me 2014). As holder of the promissory note, Plaintiff is entitled to bring this action to confirm its rights in the subject mortgage. This is consistent with well settled precedent discussing Maine mortgage title theory. *See Jordan v. Cheney*, 74 Me 359 (1883).

Having considered the pleadings, and the consent of Yau Hung Chan, this Court finds that

EXHIBIT

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after service in compliance with Maine Rules of Civil Procedure, the Defendant, Premium Capital Funding LLC DBA Topdot Mortgage, has not answered or otherwise appeared in this action; the Party-In-Interest, Mortgage Electronic Registration Systems, Inc. as nominee for Premium Capital Funding, LLC, have not answered or otherwise appeared in this action; the Party-In-Interest, Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing LP, has not answered or appeared in this action; the Party-In-Interest, Yau Hung Chan, has through its attorney, J. Scott Logan, answered and appeared in this action; the Party-In-Interest, FIA Card Services, N.A., has not answered or otherwise appeared in this action.

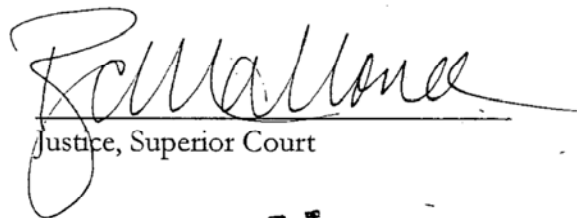
Accordingly, for good case shown, it is hereby ORDERED that:

Plaintiff is GRANTED default judgment in this matter; and


This Court ORDERS, confirms and ratifies, *nunc pro tunc*, the transfer of the mortgage, dated February 7, 2006, and recorded in the Washington County Registry of Deeds in **Book 3117, Page 272**, as evidenced by the assignment to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing LP recorded in the Washington County Registry of Deeds in **Book 3733, Page 80**; to Bank of America, N.A. recorded in the Washington County Registry of Deeds in **Book 3915, Page 149**; to Federal National Mortgage Association recorded in the Washington County Registry of Deeds in **Book 4146, Page 52**; to U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust recorded in the Washington County Registry of Deeds in **Book 4534, Page 17**; and all the rights contained therein, including ownership, to U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust; and

The Court also enters in rem permanent injunction relief concerning the subject property mortgage recorded on March 7, 2006. The Court finds the Plaintiff is the owner and holder of both the subject Note and Mortgage Deed, *nunc pro tunc* as of the date of the Mortgage Assignment to the Plaintiff, February 19, 2019.

DATED: July 17, 2019

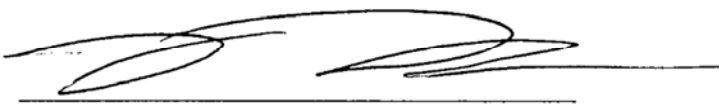

Justice, Superior Court

SEAL


J. Scott Logan on behalf of
Party-In-Interest, Yau Hung Chan

A TRUE COPY

ATTEST: 
CLERK


John A. Doonan, Esq. or Reneau J. Longoria, Esq.
On behalf of Plaintiff, U.S. Bank Trust, N.A., as
Trustee for LSF11 Master Participation Trust

Received
Recorded Register of Deeds
Oct 23, 2019 11:14:59A
Washington County
Sharon D. Strout